

Congress of the United States

Washington, DC 20510

November 12, 2003

The Honorable Gale Norton
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Madam Secretary:

We write to express our outrage about the recent decision to remove the U.S. Fish and Wildlife Service Region 6 scientists from work on the Missouri River 2000 Biological Opinion, and any potential revisions to that document during consultations with the U.S. Army Corps of Engineers. A similar letter is being sent to Acting Secretary of the Army Les Brownlee. Given our need to fully understand the reasoning behind this decision, we feel face-to-face communication is necessary. Therefore, we would like to meet with you as soon as possible so that we can discuss these matters in more detail.

The Region 6 scientists have been working on this issue for years, and are intimately familiar with the intricacies of this issue and all of the variables that affect the Missouri River ecosystem. In their place, the Service has chosen to create a "SWAT team" of individuals who lack the institutional knowledge that comes with years of working day-in and day-out studying the Missouri River and its wildlife. Moreover, this new team has been ordered to develop a new Biological Opinion within 45 days, bypassing the 135-day period normally required for interagency consultations.

For more than a decade, the existing team has repeatedly found that there needs to be a change in the management of the Missouri River to a more natural flow regime, with spring rises and low summer flows. An independent panel of experts jointly selected with the Army Corps of Engineers and later by the National Academy of Sciences has also confirmed the findings in the 2000 Biological Opinion. Moreover, the Corps' own analysis has shown that more natural flows will not only bring added fish and wildlife benefits, it will also bring increased economic returns along the river through improved recreation.


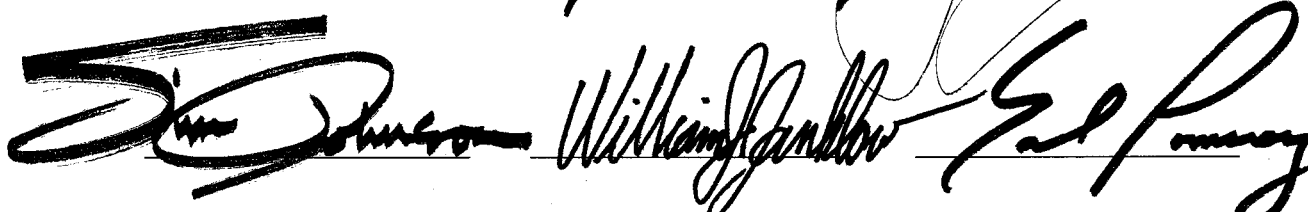
We, too, have continually stated that there needs to be a change in the way the Missouri River is managed. The whole purpose of the current revision of the Master Manual, which has been under way for nearly 14 years, is to provide a more appropriate balance among the authorized uses of the river. The existing plan is skewed to favor a dwindling barge industry, while recreation, wildlife, and other authorized uses of the river suffer. Despite the overwhelming evidence that the management of Missouri River flows must change, the Corps now states that it does not support any alteration in river flows.

The Honorable Les Brownlee
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The Corps and the Service seem clearly to be engaged in a deliberate effort to pressure the scientists to manipulate the consultation process. The only conceivable way this so-called "SWAT team" could issue a new Biological Opinion in the allotted time would be to completely ignore the facts in this case and rubber-stamp the Corps' biological assessment. Many times environmental groups have been accused of shopping around for sympathetic judges when filing lawsuits opposing Administration policies and actions. It now seems that the Fish and Wildlife Service itself is guilty of that practice, only this time it is shopping around for sympathetic scientists. However, true science cannot be bought or manipulated. The facts in this case will allow nothing less than a full, impartial, peer-reviewed, independent analysis. If this process is to have any legitimacy, it must reflect both the reality and the appearance of fairness.

Again, we would like to meet with you on this matter at the earliest possible date. Please have members of your staff contact Nancy Erickson in Senator Daschle's office to arrange a meeting as soon as possible.

Sincerely,

The decision to remove the Region 6 scientists from this consultation with the Corps is only the latest in a series of political maneuvers designed to circumvent the scientific processes to meet a predetermined political goal. In 2002, the Corps was on the verge of issuing a Master Manual that would incorporate the 2000 recommendations, until it was ordered to stop all work on the document. Last summer, a D.C. District Court judge upheld the 2000 Biological Opinion, and ordered the Corps to implement lower summer flows on the river – an order the Corps subsequently ignored. Most recently, Fish and Wildlife Service scientists were ordered *not* to submit a revised Biological Opinion for independent peer review, as is standard practice. All of these actions point to a pattern that is unacceptably skewed to favor certain interests on the river – all for political expediency.

The Corps and the Department of the Interior have also stated that science, not politics, should determine the appropriate course of action on the Missouri River. That statement, however, cannot be reconciled with the actions taken to date. The President, Administration officials, and the Corps have all stated they will not support a change in the river's management that includes changes in flows. How can this truly be an open, apolitical process if the outcome is predetermined? The science and the consultation process exist to evaluate the facts, in order to determine the necessary course of action, not the other way around. While we respect that officials are entitled to their own personal views in this matter, no one is entitled to his or her own set of facts. There is only one set of facts in this case, and those facts are clear – natural flows on the Missouri River must be restored.

When it proposed new consultation with the Service on the Biological Opinion last summer, the Corps claimed that there was substantial new evidence and scientific information available to justify a new round of consultation. However, at no time has any credible scientist identified new evidence indicating that the 2000 Biological Opinion is no longer valid. To the contrary, just last spring, the Fish and Wildlife Service asserted that the science supporting the need for changes in Missouri River flows had become even stronger since 2000. Even the Corps' own revised biological assessment last summer did not contain sufficient information that would necessitate a new round of formal consultation. We understand the Corps has now submitted a second revised biological assessment for formal consultation. The Fish and Wildlife Service is well within its rights to accept a new round of formal consultation, but it is imperative that such consultation be conducted in a fair and impartial manner. In either case, the facts in this matter have consistently shown that there is no justification for revising the 2000 Biological Opinion.

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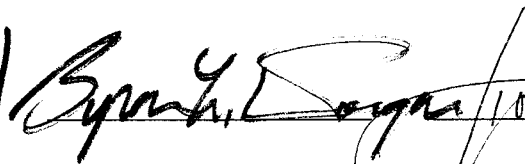
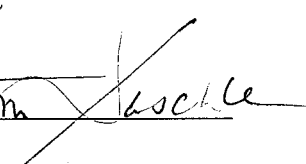
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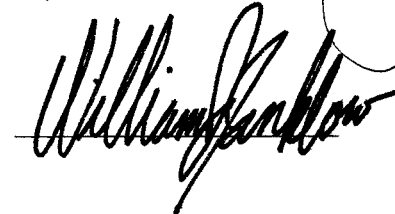

The Corps and the Service seem clearly to be engaged in a deliberate effort to pressure the scientists to manipulate the consultation process. The only conceivable way this so-called "SWAT team" could issue a new Biological Opinion in the allotted time would be to completely ignore the facts in this case and rubber-stamp the Corps' biological assessment. Many times environmental groups have been accused of shopping around for sympathetic judges when filing lawsuits opposing Administration policies and actions. It now seems that the Fish and Wildlife Service itself is guilty of that practice, only this time it is shopping around for sympathetic scientists. However, true science cannot be bought or manipulated. The facts in this case will allow nothing less than a full, impartial, peer-reviewed, independent analysis. If this process is to have any legitimacy, it must reflect both the reality and the appearance of fairness.

Again, we would like to meet with you on this matter at the earliest possible date. In the meantime, we demand that you reverse the decision to remove the Region 6 scientists from this process and allow them to do their jobs unfettered and without undue political influence.

We look forward to discussing this with you in person. Please have a member of your staff contact Nancy Erickson in Senator Daschle's office to arrange a meeting as soon as possible.

Sincerely,

Congress of the United States
Washington, DC 20510

November 12, 2003

The Honorable Les Brownlee
Acting Secretary of the Army
Department of Defense
The Pentagon
Washington, DC 20310

Dear Mr. Secretary:

We write to express our outrage about the recent decision to remove the U.S. Fish and Wildlife Service Region 6 scientists from work on the Missouri River 2000 Biological Opinion, and any potential revisions to that document during consultations with the U.S. Army Corps of Engineers. A similar letter is being sent to Secretary of the Interior Gale Norton. Given the effect this decision will have on consultation between the Corps and the Fish and Wildlife Service, and our need to fully understand this situation, we feel face-to-face communication is necessary. Therefore, we would like to meet with you both as soon as possible so that we can discuss these matters in more detail.

As you know, the Region 6 scientists have been working on this issue for years, and are intimately familiar with the intricacies of this issue and all of the variables that affect the Missouri River ecosystem. In their place, the Service has chosen to create a "SWAT team" of individuals who lack the institutional knowledge that comes with years of working day-in and day-out studying the Missouri River and its wildlife. Moreover, this new team has been ordered to develop a new Biological Opinion within 45 days, bypassing the 135-day period normally required for interagency consultations.

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